



(Pl.'s Resp. to Order to Show Cause ("Pl.'s Resp.") (ECF No. 5.) at 1-2.) Plaintiff subsequently filed the instant motion, formally moving to dismiss the matter pursuant to Rule 41(a)(2). (Pl.'s Mot. at 1-2.)

Pursuant to Federal Rule of Civil Procedure 41(a)(2), "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2). Accordingly, because Plaintiff has requested that the matter be dismissed, the Court recommends dismissal. Further, the Court finds that the case should be dismissed with prejudice, because of the time that has elapsed without any prosecution and Plaintiff's documented understanding that dismissal would bar her from future claims of disability during the relevant time period. (Pl.'s Resp. at 1-2; Pl.'s Mot. at 1-2.)

Let the Clerk forward a copy of this Report and Recommendation to Senior United States District Judge Henry E. Hudson and all counsel of record.

#### **NOTICE TO PARTIES**

**Failure to file written objections to the proposed findings, conclusions and recommendations of the undersigned contained in the foregoing report within fourteen (14) days after being served with a copy of this report may result in the waiver of any right to a de novo review of the determinations contained in the report and such failure shall bar you from attacking on appeal the findings and conclusions accepted and adopted by Judge Young except upon grounds of plain error.**

/s/   
David J. Novak

United States Magistrate Judge

Richmond, Virginia  
Date: October 9, 2019